

### **IC 25-34.5-3**

#### **Chapter 3. Violations and Sanctions**

#### **IC 25-34.5-3-1a**

*Note: This version of section effective until 7-1-2001. See also following version of this section, effective 7-1-2001.*

Sec. 1. A person may not:

- (1) profess to be a respiratory care practitioner;
- (2) use the title "respiratory care practitioner"; or
- (3) use any initials, words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner certified under this article;

unless the person is certified under this article.

*As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.69.*

*Note: See also following version of this section, effective 7-1-2001.*

#### **IC 25-34.5-3-1b**

*Note: This version of section effective 7-1-2001. See also preceding version of this section, effective until 7-1-2001.*

Sec. 1. A person may not:

- (1) practice respiratory care;
- (2) profess to be a respiratory care practitioner;
- (3) use the title "respiratory care practitioner"; or
- (4) use any initials, words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner licensed under this article;

unless the person is licensed under this article.

*As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.69; P.L.60-2000, SEC.21.*

*Note: See also preceding version of this section, effective until 7-1-2001.*

#### **IC 25-34.5-3-2a**

*Note: This version of section effective until 7-1-2001. See also following version of this section, effective 7-1-2001.*

Sec. 2. A person who violates this chapter commits a Class B misdemeanor.

*As added by P.L.242-1989, SEC.1.*

*Note: See also following version of this section, effective 7-1-2001.*

#### **IC 25-34.5-3-2b**

*Note: This version of section effective 7-1-2001. See also preceding version of this section, effective until 7-1-2001.*

Sec. 2. A person who violates this chapter commits a Class B misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing respiratory care in violation of this chapter.

*As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.22.*

*Note: See also preceding version of this section, effective until*

7-1-2001.

**IC 25-34.5-3-3**

*Effective 7-1-2001.*

Sec. 3. This article does not prohibit a licensed, registered, or certified health care professional from practicing within the scope of the health care professional's license, registration, or certification.

*As added by P.L.60-2000, SEC.23.*

**IC 25-34.5-3-4**

*Effective 7-1-2001.*

Sec. 4. Except as provided in IC 25-34.5-2-6.4(a), an individual who is not licensed, registered, or certified as a health care professional may perform a respiratory care practice only when the individual passes an examination covering the practice that is offered by a testing body approved by the committee.

*As added by P.L.60-2000, SEC.24.*

**IC 25-34.5-3-5**

*Effective 7-1-2001.*

Sec. 5. An individual who is not licensed, registered, or certified as a health care professional may deliver, set up, calibrate, and demonstrate the mechanical operation of respiratory care equipment in a residential setting only when the following conditions are met:

- (1) The individual's employer documents that the individual has obtained adequate training and demonstrated competence under the supervision of a practitioner or other licensed, registered, or certified health care professional.
- (2) The individual does not teach, administer, or practice respiratory care.
- (3) The individual does not attach the respiratory care equipment to the patient or instruct the patient, the patient's family, or the patient's caregiver on the equipment's clinical use as a treatment device.
- (4) All instructions to the patient, family, or caregiver regarding the clinical use of the equipment, patient monitoring, patient assessment, or other procedures designed to evaluate the effectiveness of the treatment are performed by a practitioner or other licensed, registered, or certified health care professional.

*As added by P.L.60-2000, SEC.25.*

**IC 25-34.5-3-6**

*Effective 7-1-2001.*

Sec. 6. This article does not prohibit an individual who is not licensed as a respiratory care practitioner from doing any of the following:

- (1) Performing cardiopulmonary resuscitation.
- (2) Repairing equipment used in the practice of respiratory care.

*As added by P.L.60-2000, SEC.26.*

**IC 25-34.5-3-7**

*Effective 7-1-2001.*

Sec. 7. This article does not affect the applicability of IC 25-22.5-1-2(a)(19).

*As added by P.L.60-2000, SEC.27.*

**IC 25-34.5-3-8**

*Effective 7-1-2001.*

Sec. 8. This article does not prohibit an individual who is not a practitioner from performing laboratory tests in a clinical laboratory holding a federal Clinical Laboratory Improvement Act (CLIA) certificate or a CLIA certificate of accreditation if the individual satisfies the specified federal qualification standards.

*As added by P.L.60-2000, SEC.28.*